

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 864 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHANKERBHAI RAGHUNATHBHAI SONAR

Versus

STATE OF GUJARAT

Appearance:

MR CL SONI for Petitioner

MR. H.L. JANI, APP for Respondent No. 1, 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 18/09/98

ORAL JUDGEMENT

Heard learned counsel for the parties. The impugned order of externment dated 17.4.1998 deserves to be quashed and set aside on the short ground that the same has been passed by the Deputy Police Commissioner, City of Surat, without giving any opportunity of hearing. It is contended that the petitioner was asked to appear before the Assistant Police Commissioner. The hearing was given by the Assistant Police Commissioner but the order

has been passed by the Deputy Police Commissioner.

In view of this, this Special Criminal Application is allowed. The impugned order dated 17.4.1998 passed by the Deputy Police Commissioner, City of Surat, is quashed and set aside. It will be open for him to pass a fresh order after giving an opportunity of hearing to the petitioner. Rule made absolute to the aforesaid extent.

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